

Express Mailing Label No.: EV 627625633 US

PATENT APPLICATION

Docket No: 15689.66



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of

Teruya Fujii

Serial No.: 09/784,472

February 15, 2001

Confirmation No.: 2808

For: LEADING WAVE POSITION DETECTING  
UNIT, RECEIVER, LEADING POSITION  
DETECTING UNIT, LEADING WAVE  
POSITION DETECTING METHOD AND  
LEADING POSITION DETECTING METHOD

Customer No.: 022913

Filing Date:

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that following documents are being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Box: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 8<sup>th</sup> day of March 2005.

- Transmittal of Issue Fee (3 pages) (in duplicate)
- PTO Form PTOL-85B transmitting payment of Issue Fee and Publication Fee
- PTO 2038 Credit Card form for \$1,715.00
- Postcard

Respectfully submitted,

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### TRANSMITTAL OF ISSUE FEE PAYMENT

Mail Stop Issue Fee

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Notice of Allowance and Issue Fee Due dated December 9, 2004, please find enclosed herewith the following items for filing in the United States Patent and Trademark Office in connection with the above identified patent application:

X Issue Fee Transmittal (PTOL-85B) submitted pursuant to 37 C.F.R. § 1.311.



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OF COUNSEL

March 8, 2005  
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— A Supplemental Declaration executed by the inventor(s) is submitted pursuant to 37 C.F.R. § 1.67.

X A Certificate of Deposit Under 37 C.F.R. § 1.8 is enclosed.

— Pursuant to the request for submission of formal drawings, enclosed are the following:

— A Letter to the Official Draftsperson;

— A set of \_\_\_\_\_ ( ) sheets of formal drawings to replace the corresponding drawings originally filed with the subject application.

— A duplicate set of the \_\_\_\_\_ ( ) sheets of formal drawings with the changes therein highlighted in red.

X PTO 2038 Credit Card form for \$1,715.00 is enclosed to cover:

X The \$1,370.00 government issue fee pursuant to 37 C.F.R. § 1.18.

X The \$300.00 government publication fee pursuant to 37 C.F.R. § 1.18.(d)

X The \$45.00 fee for fifteen (15) copies of the patent when issued.

X The Commission is hereby authorized to charge payment of any additional fees or credit any overpayment to Deposit Account No. 23-3178.

X A duplicate copy of this letter is enclosed.

Comments on Statement of Reasons for Allowance

On page 2 of the Examiner's Notice of Allowability, the Examiner has indicated that no prior art was found that "Bolgiano et al. teach a wireless telephone distribution system with time and space diversity transmission for determining receiver location. The prior art of record does not teach time space

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measuring means for measuring time spaces between sampled values of a delay profile sampled along a delay time axis; leading position detecting means for detecting a position of a sampled value immediately after a maximum time space from among time spaces measured by said time space measuring means as a leading position; and a leading wave position detecting means for detecting an initial peak position of the sampled values after the leading position detected by said leading position detecting means as a leading wave position.”

Applicants respectfully submit that the claimed invention as set forth in each of the independent claims and the dependent claims must be read as a whole, and not as a single feature or subcombination of features which represent less than the entirety of the claimed invention as a whole. While a particular feature or subcombination of features referred to by the Examiner in the Statement of Reasons for Allowance may represent a basis for distinguishing the claimed invention over the prior art, Applicants further submit that this may not necessarily be the *sole* ground for distinguishing the claimed invention over the prior art of record. Accordingly, the Examiner’s statement should, in Applicants’ view, not be read as constituting or meaning that the invention can or should be reduced to a single “feature” of the invention or to a subcombination of features that is less than the entire invention claimed as a whole, nor that the single feature referenced by the Examiner or subcombination of features referenced by the Examiner in the Statement of Reasons for Allowance is the only or sole grounds for distinguishing the invention over the prior art of record.

Please address all future correspondence in connection with the above-identified patent application to the attention of the undersigned.

Dated this 8<sup>th</sup> day of March 2005.

Respectfully submitted,



Adrian J. Lee  
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